

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Elena BARBANTI et al

Conf. 4182

Application No. 10/586,494

MAIL STOP PCT

Filed July 20, 2006

Attn: PCT Legal Office

ALPHA-AMINOAMIDE DERIVATIVES USEFUL IN THE
TREATMENT OF LOWER URINARY TRACT DISORDERS

PETITION UNDER 37 CFR §1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 25, 2007

Sir:

It is respectfully requested that the above-identified application be accepted under the provisions of 37 CFR §1.47(a) even though the second listed inventor, namely Ms. Orietta VENERONI, has refused to execute the application papers.

There is submitted herewith:

1) a 37 CFR §1.497 Combined Declaration and Power of Attorney listing all six inventors, but signed by the other five inventors, on their behalf, as well as on behalf of the non-signing inventor Orietta VENERONI;

2) an assignment from all of the signing inventors in favor of Newron Pharmaceuticals S.p.A., of Bresso, Italy, along with Form PTO-1595 for recordation;

3) a declaration of Ms. Maria Fiorella VERGANI, the Formalities Officer of the Italian law firm of Bianchetti, Bracco, Minoja. In her declaration, Ms. VERGANI declares, that she is in charge of the filing, prosecuting and registering of Italian and International Patents and Trademarks abroad, and has held that position for 30 years. Mr. VERGANI further states that she was asked to obtain the signature of Ms. Orietta VENERONI in connection with entering the U.S. national phase for International Application PCT/IB2004/001574. She includes a copy of a letter dated October 23, 2006 from Mr. Mauro BARBERI who is Ms. Orietta VENERONI's attorney. In his letter, Mr. BARBERI states that due to Ms. VENERONI's employment relationship with Newron S.p.A., Ms. VENERONI did not see any reason why she should sign any further documents, as in her view all the Intellectual Property rights belong to her former employer, Newron S.p.A. pursuant to all applicable provisions of Italian law.

Ms. VENERONI further attaches a letter dated November 6, 2006, from Ms. Annalisa Reale, an attorney in the law firm Chiomenti, which is counsel to Newron S.p.A., who confirms that as a result of Ms. VENERONI's employment agreement with Newron S.p.A., Ms. VENERONI has no rights to the invention, notwithstanding any U.S. requirements.

On October 30, 2006, pursuant to instructions from the undersigned attorney, Ms. VERGANI declares that she sent by registered mail to Ms. Orietta VENERONI at her last known

address, namely: Via Stephenson, 25, 20019 Settimo Milanese, Italy, a package including the following documents

- a complete copy of the U.S. application;
- a combined Declaration and Power of Attorney listing all the inventors;
- an assignment; and
- a cover letter requesting that Ms. Orietta VENERONI execute the application papers and return them to the office of Bianchetti, Bracco, Minoja no later than November 22, 2006, while advising Ms. VENERONI that failure to do so would be considered as a definite refusal to join in the application papers.

Ms. VERGANI declares that the registered package was indeed received and signed for by Ms. VENERONI on November 4, 2006 as is evidenced by the attached acknowledgement of receipt provided in Italian as well as in English. However, to date, Ms. VERGANI has yet to receive any further correspondence from Ms. VENERONI, who has simply failed to return any signed declaration or assignment to the office of Bianchetti, Bracco, Minoja. Accordingly, it is Ms. VERGANI's conclusion that Ms. VENERONI definitely refuses to execute the application papers.

In view of the above facts, and accompanying documents, it is respectfully requested that the above-identified

application be accepted under provisions of 37 CFR §1.47(a), even though Ms. Orietta VENERONI has refused to execute the application papers.

The Commissioner is hereby authorized to charge the requisite 37 CFR §1.17(g) fee of \$200 under fee code 1463 to counsel's Deposit Account No. 25-0120.

Respectfully submitted,

YOUNG & THOMPSON



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BC/llb